

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :07.06.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.15480 of 2019 and
W.M.P.Nos.15413 and 15414 of 2019

K.Vijayakumar

.. Petitioner

Vs

1. The Ombudsman
Joint Electricity Regulatory Commission,
(For the State of Goa and Union Territories)
2nd Floor, HSIIDC Office Complex,
Vanijaya Nikunj, Udyog Vihar,
Phase-B, Gurgaon - 122016 (Haryana)
2. The Registrar,
Consumer Grievance Redressal Forum,
No.6, 17th Cross Street, Anna nagar,
Puducherry - 605 005
3. The Executive Engineer / Urban O&M
Electricity Department, Puducherry
4. The Assistant Engineer / Town - II,
Electricity Department, Puducherry
5. The Junior Accounts Officer / Rev.1,
Electricity Department, Puducherry
6. The Junior Engineer / Saram O&M
Electricity Department, Puducherry

7. Balamanigandan

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the 1st respondent to take the appeal on file, which was sent by the petitioner on 15.02.2018, received in the office of the 1st Respondent on 19.02.2018 challenging the order passed by the 2nd Respondent dated 10.01.2018 in C.C.No.50 of 2017 and dispose of the same in accordance with law within a stipulated time.

For Petitioner : Mr.M.Devaraj

For Respondents : Mr.M.V.Ramalingam for R2 to R6
Additional Government Pleader
[Puducherry]

O R D E R

The petitioner has filed the present Writ Petition for issuance of a Writ of Mandamus, to direct the 1st respondent to take the appeal on file, which was sent by the petitioner on 15.02.2018, received in the office of the 1st Respondent on 19.02.2018, challenging the order passed by the 2nd Respondent dated 10.01.2018 in C.C.No.50 of 2017 and dispose of the same in accordance with law within a stipulated time.

2. The case of the petitioner is that he is the owner of the premises at No.63, 4th Cross street, 45 feet road, Venkateswara nagar, Puducherry measuring about 1500 square feet, which is a non-residential building and the said building has been leased out to the 7th respondent in the year 2014 for hotel business. The 7th Respondent has requested for enhancement of service connection and without the knowledge of the petitioner, the load was enhanced to 3 phase. The respondents 3 to 6 have not properly updated their records. The 7th respondent with connivance of the subordinates of the respondents 3 to 6 had manipulated to mention in the electricity meter reading card and the periodical bill as MS, viz., Meter struck and have been paying the minimum monthly electricity charges from 2014 till the premises was vacated in July, 2017.

3. According to the petitioner, after the 7th respondent vacated the premises, he had inducted a new tenant. The new tenant showed the electricity bill for the month of August 2017, as meter struck-238. On hearing the same, the petitioner made a representation dated 27.09.2017 addressed to the 4th respondent requesting him to provide with the new meter for the service connection in the said premises. The officials of the respondents 3 to 6 without giving proper details, directed the petitioner to remit 37,695 units. Aggrieved by the action of the respondents 3 to 6, the petitioner has approached the 2nd respondent on 09.11.2017 to redress his grievances. The 2nd Respondent has taken the consumer complaint on file as C.C.No.50 of 2017.

4. It is represented on behalf of the petitioner that after adjudication, the 2nd Respondent passed an order dated 10.01.2018 by directing the petitioner to pay the current consumption charges of Rs.2,06,303/- on 45 equal installments without

BPSC, as the consumption pertains to the period from April 2014 to October 2017. Further, in the said order the 2nd respondent has specifically mentioned that the 'complainant [petitioner herein] shall have the liberty to prefer an appeal against the order before the 1st respondent within a period of one month from the date of receipt of copy of this order'. As per the impugned order, the petitioner preferred an appeal before the 1st respondent, however, till date, the 1st respondent has not disposed of the appeal. Hence the petitioner has filed the present Writ Petition seeking to dispose of the appeal within the time to be adumbrated by this Court.

5. The learned counsel for the petitioner submitted that as against the impugned order dated 10.01.2018, the appeal has been preferred by the petitioner and the papers have been sent to the 1st respondent on 15.02.2018 and the same has been received by the office of the 1st respondent on 19.02.2018, but, till date, the appeal has not been disposed of. Hence, he pleaded that a direction shall be issued to the 1st respondent to dispose of the appeal dated 15.02.2018.

6. The Learned Additional Government Pleader [Puducherry] appearing for the respondents 2 to 6 seeks time to file counter.

7. On a perusal of the Impugned order dated 10.01.2018 passed by the 2nd respondent, it is very clear that the 2nd respondent has granted liberty to the petitioner to prefer an appeal before the 1st respondent and in accordance with the same, the petitioner has preferred an appeal before the 1st respondent, for which the 2nd respondent has nothing to say with regard to the appeal pending before the 1st respondent.

8. In view of the above, this Court is inclined to issue a direction to the 1st Respondent to dispose of the Appeal dated 15.02.2018 [received by the office of the 1st Respondent on 19.02.2018] within a period of eight weeks from the date of receipt of a copy of this order.

With the aforesaid direction, the Writ Petition stands disposed of. Consequently, connected miscellaneous petitions are closed. No costs.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

ssd

To

1. The Ombudsman
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5. The Junior Accounts Officer / Rev.1,
Electricity Department, Puducherry

6. The Junior Engineer / Saram O&M
Electricity Department, Puducherry

+1cc to Mr.Devaraj, Advocate, SR. No. 45695

+1cc to The Government Pleader, Puducherry,
High Court, Madras. SR. No. 45903

W.P.No.15480 of 2019 and
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BR(CO)
RMP(04/07/2019)

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